

FILE NO. 186599/US2 - 0475387.00153  
PATENT

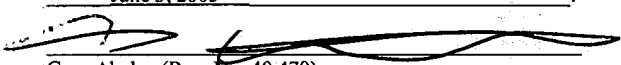
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s) : Guillermo J. Tearney et al.  
Serial No. : 10/016,244  
Filed : October 30, 2001  
For : OPTICAL METHODS AND SYSTEMS FOR TISSUE ANALYSIS  
Examiner : Shawna Jeannine Shaw  
Group Art Unit : 3737

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

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June 3, 2005

  
Gary Abelev (Reg. No. 40,479)

**AMENDMENT AFTER NON-FINAL OFFICE ACTION**

Sir:

This paper is filed in response to a non-final Office Action dated March 8, 2005.

Initially, please amend the above-identified application as set forth below.

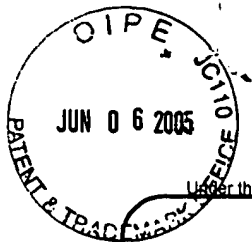
**In The Claims:**

Please amend claim 1, 11, 26, 39, 70 and 71, cancel claims 5 and 6 (without  
prejudice), and add new claims 82 and 83 as provided below in the associated claim listing on  
separate sheets:

06/07/2005 DENMANU1 00000005 10016244

01 FC:2201

400.00 OP



AF/ 3737\$ JAW

PTO/SB/21 (02-04)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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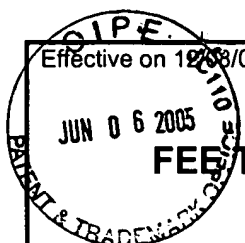
<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/016,244
	Filing Date	October 30, 2001
	First Named Inventor	Guillermo J. Tearney
	Art Unit	3737
	Examiner Name	Shawna Jeannine Shaw
Total Number of Pages in This Submission	Attorney Docket Number	186599/US/2 - 475387-00153

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Declaration Under 37 C.F.R. § 1.131, Supporting Document and Return Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>		
Firm or Individual name	DORSEY & WHITNEY, LLP Gary Abelev, Esq. (Reg No. 40,479)	
Signature		
Date	June 3, 2005	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	Gary Abelev, Esq.	
Signature		Date June 3, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/23/04

**FEE TRANSMITTAL SHEET  
(FY 2005)****Complete if Known**

Application No.	10/016,244
Filing Date	October 30, 2001
First Inventor	Guillermo J. Tearney
Group Art Unit	3737
Examiner Name	Shawna Jeannine Shawn
Atty. Docket Number	186599/US - 475387-00153

☒ Applicant claims small entity status (see 37 C.F.R. 1.27)**METHOD OF PAYMENT (Check One)**☒ Check ☐ Credit Card ☐ Money Order☒ Deposit Account No.: **50-2054**Deposit Account Name: **DORSEY & WHITNEY LLP**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge any additional fees or underpayments of fee(s) under 37 C.F.R. 1.16 and 1.17☒ Credit any overpayments☐ Other (please identify):**Extra Claim Fees**

Current Claims	Prior	Extra	Fee	Fee Paid
Total	- 20	=	x \$	= \$
Ind. 7	- 3	= 4	x \$100	= \$400
Multiple Dependent Claims			x \$	= \$
<b>Subtotal (Extra Claims)</b>				<b>\$ 400</b>

**Petition Fee Under 37 CFR 1.17(f), (g), & (h)**

Enclosed is a Petition filed under 37 CFR as indicated below:

☐ Petition Fee under 37 CFR 1.17(f) **Fee \$400**

§ 1.53(e) to accord a filing date.  
§ 1.57(a) to accord a filing date.  
§ 1.182 for decision on a question not provided for.  
§ 1.183 to suspend the rules.  
§ 1.378(e) for reconsideration of decision on petition refusing delayed payment of maintenance fee in expired patent.  
§ 1.174(b) to accord a filing date to an application under §1.740 for extension of patent term.

☐ Petition Fee under 37 CFR 1.17(g) **Fee \$200**  
§ 1.12 for access to an assignment record.  
§ 1.14 for access to an application.  
§ 1.47 for filing by other than all inventors or person not the inventor.  
§ 1.59 for expungement of information.  
§ 1.103(a) to suspend action in an application.  
§ 1.136(b) for review of a request for ext. of time when §1.136(a) not avail.  
§ 1.295 for review of refusal to publish a statutory invention registration.  
§ 1.296 to withdraw a req. for pub. after notice of intent to publish issued.  
§ 1.377 for review of decision refusing to accept a maintenance fee filed prior to expiration of a patent.  
§ 1.550(c) for request for ext. of time in *ex parte* reexam. proceedings.  
§ 1.956 for request for ext. of time in *ex parte* reexam. proceedings.  
§ 5.12 for expedited handling of foreign filing license.  
§ 5.15 for changing the scope of a license.  
§ 1.5.25 for retroactive license.

☐ Petition Fee under 37 CFR 1.17(h) **Fee \$130**  
§ 1.19(g) to request documents in a form other than provided in this part.  
§ 1.84 for accepting color drawings or photographs.  
§ 1.91 for entry of a model or exhibit.  
§ 1.102(d) to make an application special.  
§ 1.138(c) to expressly abandon an application to avoid publication.  
§ 1.313 to withdraw an application from issue.  
§ 1.314 to defer issuance of a patent.

**FEE CALCULATION (Continued)****3. ADDITIONAL FEES**

Large Entity Fee	Small Entity Fee	Fee Description	Fee paid
50	25	Surcharge - late provisional filing fee or cover sheet	
130	65	Surcharge - Late nonprovisional filing fee or oath	
180	180	Submission of IDS	
40	40	Recording each patent assignment per property (times number of properties)	
120	60	Extension for reply within first month	
450	225	Extension for reply within second month	
1,020	510	Extension for reply within third month	
1,590	795	Extension for reply within fourth month	
2,160	1,080	Extension for reply within fifth month	
790	395	Submission After Final 1.129	
500	250	Notice of Appeal	
500	250	Filing a brief in support of an appeal	
1,000	500	Request for oral hearing	
130	65	Terminal Disclaimer Fee	
800	400	Design Issue Fee	
790	395	Request for Continued Examination (RCE)	
130		Request for voluntary publication or republication	
500	250	Petition to Revive - unavoidable	
1,500	750	Petition to Revive - unintentional	
200		Filing for patent term adjustment	
400		Request for reinstatement of term reduced	
1,120		Extension of term of patent	

OTHER FEE  
(specify)**Subtotal (Additional Fees)****Total Amount of Payment: \$200**

Submitted by:

CUSTOMER NUMBER  
**30873**

DORSEY &amp; WHITNEY LLP

250 Park Avenue  
New York, NY 10177Name: **Gary Abelev, Esq.**Phone No.: **212-415-9371**Fax No.: **212-953-7201**Signature: Reg. No.: **40,479**Date: **June 3, 2005**